CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARING

LICENSE COMMISSION BOARD MEMBERS:

CHAIR ANDREA JACKSON

POLICE COMMISSIONER ROBERT C. HAAS

FIRE CHIEF GERALD REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH LINT

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AT: Michael J. Lombardi Building
     Basement Conference Room
     831 Massachusetts Avenue
     Cambridge, Massachusetts 02139

DATE: May 15, 2014

TIME: 4:00 p.m.

INDEX OF AGENDA

P R O C E E D I N G S

May 15, 2014

EXECUTIVE DIRECTOR ELIZABETH LINT: We

would like to get started. If anyone has a cell

phone on, we would appreciate it if you would

turn it off.

This is the License Commission General

Hearing. It is Thursday, May 15, 2014 at

4:00 p.m.

We're in the Michael J. Lombardi

Building, 831 Massachusetts Avenue, Basement

Conference Room.

Before you are the Commissioners: Chair

Andrea Jackson, Police Commissioner Robert Haas

and Fire Chief Gerald Reardon.

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DISCIPLINARY: MOSKA

Disciplinary: Moska, LLC, d/b/a Moska

Tapas Lounge/Naga, Renato Rodriguez, manager,

holder of an all alcoholic beverages restaurant

license and entertainment license at 450

Massachusetts Avenue due to several police

reports regarding alleged incidents on May 2,

2014 and May 22, 2014. The Commission will also

discuss incidents from the last disciplinary

hearing regarding police reports from May 17,

May 24 and June 21, 2013.

          CHAIR ANDREA JACKSON: Thank you.

Counsel, if you could approach, please.

          ATTORNEY SEAN HOPE: I also have with me

the manager of the alcohol license.

          CHAIR ANDREA JACKSON: If you can speak

up, the air makes it difficult for our court

reporter to take it down.

          ATTORNEY SEAN HOPE: Members of the

Commission, for the record, Sean Hope, Hope Legal

Law Offices in Cambridge. And I'm here tonight

with Renato Rodriguez. He's the manager of the

all alcohol license at Naga and Moska.

State your name for the record.

RENATO RODRIGUEZ: Renato, R-E-N-A-T-O,

Rodriguez, R-O-R-D-R-I-G-U-E-Z.

CHAIR ANDREA JACKSON: Also with you,

counsel?

ATTORNEY SEAN HOPE: This is also the

owner, Solomon Chowdhury.

CHAIR ANDREA JACKSON: Please spell the

last name for the record.

SOLOMON CHOWDHURY: C-H-O-W-D-H-U-R-Y.

CHAIR ANDREA JACKSON: Thank you.

So I know, counsel, you have submitted a

letter that I believe my other Board members have

had the opportunity to look at or at least have

received. Maybe not.

That's fine.

EXECUTIVE DIRECTOR ELIZABETH LINT: I did

send it.

ATTORNEY SEAN HOPE: I have copies here as well.

CHAIR ANDREA JACKSON: What I would like to do is start with the March 22nd incident, and I would actually like to have you perhaps sit back in the audience. And I want to start with the police officers first and receive testimony from the officers that were involved.

ATTORNEY SEAN HOPE: Sure.

EXECUTIVE DIRECTOR ELIZABETH LINT: If it is difficult to hear, maybe they could stay nearby.

CHAIR ANDREA JACKSON: So if I can have first the officers that were involved with the March 22, 2014 incident. So I have, I believe, Sean Lowe, Sergeant Cabral, and I have been pronouncing -- working on this, I want to try it, I have been doing it all day, Peter Photopoulous. I've been working on that for the last hour.

Looking at some of the reports, I believe, Officer Lowe, you were the first one on the scene at Moska that evening, is that correct?

OFFICER SEAN LOWE: Along with Officer Joe Grassi, that's correct.

CHAIR ANDREA JACKSON: If you can tell me what you saw that evening.

OFFICER SEAN LOWE: Approximately 2:00 in the morning on the 22nd of March, I was conducting just a visibility 86, what we normally do, just to be visible in the Central Square area. And there were patrons as it appeared to me to be exiting the Moska Club. The night was over. And I heard some shouting, some verbal dialogue, which appeared to be very heated.

I looked over. I notified Officer Grassi and then I also looked over in the direction of the noise and I saw multiple black males in each other's faces, just jawing at each other.

It quickly became physical. I requested some additional presence, additional units to the scene.

Once those units got on scene, we made our way over to the altercation and the parties kind've separated themselves. And then subsequently, there was another fight that broke out behind us with the same parties that were involved in the first incident.

CHAIR ANDREA JACKSON: Sergeant Cabral?

SERGEANT FRED CABRAL: We're discussing the March 22 event at this point?

CHAIR ANDREA JACKSON: Yes.

SERGEANT FRED CABRAL: On March 22 at approximately 12:04 a.m., Officer Lowe was conducting an 86 outside of Club Moska.

At that time he requested additional use for additional presence because club management was going to shut the club down. They were at

capacity.

At that time, multiple units responded:
Myself, Car 3, Car 2, 4R, 3R, 12C all responded
to the location. At that time there were nine
Cambridge units on location outside Moska
conducting crowd control.

Security from the club notified people
outside in the line that the club was at
capacity. They were shutting down. No one else
would be allowed in.

Security then removed the red ropes, the
ropes and everything outside of the club. And
when this happened, I actually stepped into the
vestibule with Mr. Rodriguez, and I mentioned to
him that when we had our last major disturbance
that I responded at Club Moska, one of the main
issues was they were telling people, potential
patrons they were not allowed in whether it be at
capacity or dress code issues. And then those

people either called people from inside the club

or called someone related to the promoter and

they came out and they let people who were not

allowed -- initially allowed in, into the club.

I told him that we can't do that. And he

said he understands. I told him that was the

problem we had in June. He said that wasn't

gonna happen. We stayed on scene outside of

Moska for a short time after that. And so we

were all sent to another call on Brookline

Street.

As I was leaving and walking from Moska

to Brookline Street, I noticed that several

members of the crowd that had cleared the area,

while we were doing crowd control, were rushing

right back to outside of Moska.

So we cleared the call on Brookline

Street, and then we went out and continued

patrol.

At 1:48 a.m. we got another broadcast for

a fight at Moska. When I arrived on scene, both

parties involved in a fight were already

separating and handcuffed. There was a large

crowd leaving Moska, and despite it was just

before closing time, it is now right just before

closing time and the club was emptying out.

We had a large crowd leaving the club.

And at this time we had Car 1, Car 2, Car 3, Car

4, Car 5, five sectors cars, and 3R, 4R, 5R and

12C on location along with detail officers

working on another location of Massachusetts

Avenue, Officer Lawton and Officer Callinan.

So there were a total of 17 Cambridge

officers on scene along with security of Moska

attempting to move the club along.

While I was outside of Moska at the

second response, I observed members of the crowd

that were told they would not be allowed to enter

the club earlier in the evening leaving the club

as the crowd dispersed from Moska.

After we moved that crowd along, we

received another call for a disturbance at the

gas station at Mass and Lansdowne Street.

Several units left the location we were

in outside of Mass Ave. Those units then went to

Lansdowne and Mass and quelled that disturbance.

I was informed by the officers responding

that many of the people involved in that

disturbance were members of the crowd that left

Moska.

When the crowd was dispersed and the

units began to clear, I went to the club to speak

to the management. I spoke to Mr. Rodriguez.

And he informed me that Josh Medeiros was

the manager of the club that evening. Mr.

Rodriguez stated the promoters that evening was

Kenny and Rob and it was a hip-hop top 40 event.

Mr. Rodriguez stated that this was not
the same promoter we had in the problems with in
the past, referring to the June disturbance with
that one.

I informed him of my observations of
patrons coming out of the club who supposedly
were not going to be allowed entry.

Mr. Rodriguez told me there was a fight
in the rear of the club. He stated that his
security moved several patrons through the rear
doors. He believed some of the crowd out front
took advantage of this to gain entry.

Mr. Rodriguez asked if anyone outside was
injured, and I told him that one of the
combatants had sustained some minor cuts and that
was it. I informed him that I would be filing a
report regarding this incident.

I also reviewed the detail list, and I
reviewed the detail list for the evening of

March 21, 2014, and I saw that there were no

requests for a detail at Club Moska for the

nights of March 21 to March 22, and I confirmed

that with the detail officer on Monday the 24th

of March.

OFFICER SEAN LOWE: Chairwoman Jackson

and Members of the Board, if I could just correct

myself.

Officer Lowe.

When I spoke, I referenced the most

recent incident at Moska and I can supplement the

comments made by Sergeant Cabral for the incident

of March 22.

CHAIR ANDREA JACKSON: Officer

Photopoulos, do you have anything you would like

to add?

OFFICER PETER PHOTOPOULOS: On

March 22, 2014, I was working with Officer Frank

Lange. And we heard Sean Lowe, Officer Sean

Lowe, call off that there was a fight outside of

the Moska restaurant. We responded quickly.

Immediately upon pulling up, we exited

our cruiser and observed two individuals in a

verbal altercation at this time.

As we were walking over towards them, one

individual cocked back his hands and swung a

punch hitting the other individual square in the

face.

They began to throw punches at each

other, hitting each other in the face and body.

They ended up on the ground grappling and

wrestling with each other. It took approximately

seven officers to get them to separate. They

refused to let go of each other.

Once we got them separated, they were

both placed in handcuffs and placed under arrest.

I spoke with both parties.

Both parties stated they had been at the

Moska Nightclub earlier that evening. Both

parties displayed very high levels of

intoxication.

          FIRE CHIEF GERALD REARDON: Did they

happen to mention whether or not they had been to

any other establishments prior to going to the

Moska Nightclub?

          OFFICER PETER PHOTOPOULOS: They did not.

          CHAIR ANDREA JACKSON: Any other

questions or do you want to maybe come back?

          POLICE COMMISSIONER ROBERT HAAS: Yep.

          CHAIR ANDREA JACKSON: So let's fast

forward to the incident now of May 2, 2014 --

May 2/May 3.

          And if there are other officers present

that would like to provide testimony, please feel

free.

          Sergeant Cabral, if you would like to,

I'm not sure where your place started at with

this particular day, but if you would like to

start, that's fine.

        SERGEANT FRED CABRAL: This event for a

couple reasons is somewhat different than the

previous two major disturbances I responded to

there.

        And the main -- one of the main

differences was the prior two major disturbances

we had, we had prior warning.

        In June, we were there earlier doing

crowd control before the main disturbance, which

took a large response, and in March, we were

there earlier.

        On this particular occasion in May, the

May disturbance, we had no idea that there was

any problem inside the club. There was no call

for service there.

        The only indication I had -- that I had

with Moska that night at quarter of ten, they

called in a detail request, which we were unable

to fill at that time.

CHAIR ANDREA JACKSON: What time?

SERGEANT FRED CABRAL: Quarter of ten at

night. I had already come on shift and I got

notified by the clerk. We were unable to fill

that detail.

On this one when it was 2:00, we did have

a detective unit get on the -- it was about 1:00,

I believe, saying there were large crowds in the

square that night. It was a large crowd outside

the Middle East and a large crowd outside of

Moska, but that was the only mention of Moska

before that.

At 2:00, Officer Lowe was doing an 86 and

he called off on a fight. At that time I was at

Jill Brown-Rhone Park for bar closings. The

other area sector cars were in the area. There

were about six police officers in the general

area between Brookline Street and Sidney Street.

When I arrived on scene at 2:00 a.m., the

first fight had broken up and Officer Lowe had

informed me that this large man with a bloody lip

was in the first fight.

He walked by me, sought out another large

male and they exchanged a few words, and then

engaged in just a very violent fight with very

connecting with very powerful blows.

A third male then joined the fight. And

then there were additional males attempting to

join the fight.

CHAIR ANDREA JACKSON: Sergeant, where

was the location of the fight?

Was it right on the sidewalk in front of

Moska? Where was it?

SERGEANT FRED CABRAL: It was actually in

the bike lane outside of Moska.

They -- the male who was eventually

arrested for the assault and battery, actually

came out of the patio at Moska, and he engaged

two other males right in the bike lane.

        That's where the crime scene was, where

all the blood was, where we think everything

happened.

        The fight moved around outside of

Massachusetts Avenue. This was a very, like I

mentioned, it was a very violent fight and

several officers used all of their OC. I believe

three officers used all of their OC to break it

up. It was ineffective.

        One officer used his PR24, protecting or

retraining device. And it was ineffective.

        It was actually the brut force of about

seven officers that separated the parties.

        And while we were separating the parties,

Officer Grassi was punched in the face. They

then had become slippery with the OC.

Two of the parties were stabbed. We're

not sure if the stabbing -- that's still under

investigation -- happened during the first fight

or the second fight.

When we finally separated the parties and

the fight was broken up, we realized that one of

them had a pretty serious stab wound to his left

lower hip/abdomen area.

The second person received a slashing cut

wound between his fingers and we didn't realize

that until he had actually left the scene and

when he was actually under arrest.

There were -- our efforts were compounded

by the fact that when we finally got the fight

separated and then we realized that we had a

serious assault, we then had to preserve a crime

scene. We were trying to do that while trying to

do crowd control at the same time.

This was a large crowd that seemed to be

amped up by the two violent encounters.

There were people in the crowd who knew

people on both sides of the fight and they were

yelling at them and to them, and they were

actually people trying to get by us to get

to the people who were in custody or being

treated.

The first person that was stabbed was

actually violently resisting officers who were

trying to provide first-aid to him.

Eventually he did end up on the sidewalk

outside of Moska where Officers Photopoulos and

Lange can give some more details on that.

As a result, every unit in the city

responded to this crowd.

Every unit.

Walking units. Every car.

Every unit MIT had on the field responded

to this unit. And the Harvard University wagon.

There was also a disorderly person arrest made from one of the people in the crowd who was refusing to leave the crime scene and refusing to leave the area.

Sidney Street -- Mass Ave between Sidney Street and Douglas Street was closed down for an hour between the crime scene and crime control.

Seven officers filed unprotected exposure forms that would be -- it was myself, Officer Lowe, Officer Grassi, Officer Lange, Officer Photopoulos, Officer Callinan and Officer McNeil.

We all filed them.

It was all because of our involvement with the altercation either when the stabbings occurred or right after the stabbings occurred.

I can speak for myself. I had blood all of my face. I had blood all over my arms.

As far as the club is concerned, when I arrived, their security was assisting as far as

moving along people and trying to move the crowd

along.

Their efforts -- they were working with

our officers doing that. And they also, when we

found out that we were contaminated, they allowed

us to decontaminate in their bathroom. That was

much appreciated.

Let me see. What else?

Because of my duties where they kind've

pulled me away, I did not get to speak with

Mr. Rodriguez as long as I usually do.

I did only speak to him briefly as I was

going to decontaminate in the bathroom, and he

informed me that they did not have an outside

promoter that night, it was an internally

promoted event.

I think some of the other officers there

can give you a different perspective as far as

the violence encountered.

And one other thing is this was the first

disturbance here I responded to in which a weapon

was used in the altercation, which, to me, is a

marked increase in the level of violence there

and it's concerning to me.

As part of the initial investigation, the

patrol officers, and when detectives got there,

we followed a blood trail which we thought there

may have been a third victim.

But I think it's been determined it was

the second one of the two victims that went to a

car that was parked on Douglas Street. That car

was moved and we found a blood trail.

Had there been a firearm in that car and

someone come back with a firearm or another

weapon and engaged or shot in that crowd, it

would have been right in close proximity to where

we had multiple officers, and that I'm very

concerned at the possibility with edge weapons

being used, the possibility of our officers being

injured is really going up there.

          POLICE COMMISSIONER ROBERT HAAS: From

your standpoint, you have been involved in three

different incidents, is the level of violence

staying the same?

          Is it increasing?

          From your viewpoint, is it getting worse

or pretty much the same?

          SERGEANT FRED CABRAL: This third

altercation was the most violent of the

altercations I have witnessed.

          POLICE COMMISSIONER ROBERT HAAS: When

you say the entire city responded, including MIT

police officers, how many officers were on the

scene and for how long?

          SERGEANT FRED CABRAL: 26 officers were

on scene.

          The MIT officers were the first to clear.

They were there maybe 20 minutes.

We were then -- after 40 or so minutes,

the northern units were able to clear. But

because of the situation where we had units, we

had multiple people, we had arrests, we had two

people at the hospital, at that point, we did not

know if they were combatants with each other. It

ended up they were together and they were

friends.

We had a sector car, two officers with

one at the hospital and we had a second sector

car with the other person at the hospital.

Even after we were able to release some

units, there was a large commitment of patrol

force to this event.

POLICE COMMISSIONER ROBERT HAAS: In your

viewpoint, as a patrol supervisor, did it hamper

public safety of the city because of this event?

SERGEANT FRED CABRAL: Yes.

At one point there was no one available in the city for anything.

And even for a period of time, almost an hour, there were maybe two or three units in the entire city.

POLICE COMMISSIONER ROBERT HAAS: Officer Lowe, going back to your testimony, you were referring to this event as opposed to the earlier event when you said you saw patrons that were coming out of Moska, you clearly identified them as coming out of Moska?

OFFICER SEAN LOWE: I didn't see them exiting the club.

They were in the patio area where they normally exit.

I didn't, in fact, see them leave the club.

FIRE CHIEF GERALD REARDON: Do you have a rough idea what the security forces were inside,

the private security? I know you were busy that

night.

        SERGEANT FRED CABRAL: They had several

out there.

        There were six or eight out there, I

would say, that were out in front. I don't know

if that was the entire force. I think they may

have had more inside, but they did have security

working there.

        CHAIR ANDREA JACKSON: If you were to

venture a guess, would you say they were at

capacity, above or under capacity?

        SERGEANT FRED CABRAL: I think they were

under. But they had a good crowd. That's a big

location. There was a good crowd coming out of

there.

        OFFICER PETER PHOTOPOULOS:

Mr. Commissioner, if I may, you asked Sean if he

seen them exit the club. Myself and Officer

Lange were parked directly across the street and

86ed that area.

        We physically saw those individuals exit

the side door of the area into the patio area.

        And this same group that got into this

altercation, I very clearly recognized as a group

who had been in a verbal-only altercation outside

of the Moska Nightclub, I believe, on -- I wrote

the dates down -- on April 13.

        POLICE COMMISSIONER ROBERT HAAS: These

are the same individuals?

        OFFICER PETER PHOTOPOULOS: Same

individuals.

        Very clearly recognizable.

        POLICE COMMISSIONER ROBERT HAAS: And you

made your observations relative to their level of

intoxication. Was it somewhere in this vicinity

as well? Or were you not involved in this

incident?

OFFICER PETER PHOTOPOULOS: I was
involved in this incident as well.

They were so beat up, it was hard to tell
their level of intoxication in this particular
incident.

POLICE COMMISSIONER ROBERT HAAS:
Sergeant Cabral, when you were dealing with this,
was there any point in time you felt that the
incident may have outpaced your resources at the
scene?

SERGEANT FRED CABRAL: At the very
beginning until the crowd started to move on, we
were at capacity.

We didn't quite get to the point where we
had to call outside agencies, being the State or
Boston.

But we were -- our officers were being --
people were going in the back of the officers and
it was a dangerous situation.

        POLICE COMMISSIONER ROBERT HAAS: You

were getting to a point where you may have had to

call out for assistance?

        SERGEANT FRED CABRAL: We were pretty

close to it.

        OFFICER RYAN CALLINAN: If I may speak?

        CHAIR ANDREA JACKSON: Yes, if you can

please approach and spell your last name and if

you can speak up due to the air.

        OFFICER RYAN CALLINAN: Officer Callinan,

C-A-L-L-I-N-A-N. First name, Ryan, R-Y-A-N.

Cambridge Police.

        I've walked Central Square for two years.

I was present for many incidents prior to this.

I have made arrests outside of Moska.

        I can reiterate and paint a different

picture what occurred that night.

        Prior to this fight, what you had was

several marked units, blue lights on, several

police officers on the sidewalk. Also plenty of

security that was reiterating to the crowd

several times, "It's time to move. The night is

over. It's time to move."

So you have uniformed police officers,

and people giving further instruction, and from

this crowd, there's complete disregard for any

resource that there was.

When this fight took place, it was five

feet away from police officers. The violence

that happened was in the presence of police

officers, again blue lights, a wagon on its way

sitting across the street parked, the crowd had

complete disregard for any police officers

there.

I know from my own self and the safety of

the officers there, we were more or less at one

point looking out for the safety of each other

because while we were trying to contain the two

individuals, especially after seeing someone with

a stab wound and trying to get them to a safe

situation, we had people coming up over our backs

throwing punches.

          Like you said, in the crowds were friends

of people of both sides. There was a disregard

for any law enforcement that was there.

          I assisted Sergeant Cabral. He grabbed

ahold of a large gentleman, five-seven, 240

pounds of all muscle.

          He was holding onto him to contain him

from continuing to fight. I witnessed an

individual come up and over his back throwing

punches, several punches to the individual he was

holding onto on the side of the head.

          This man later was determined he had

sustained a stab wound to his hand. A lot of

blood was flying from when he was throwing

punches. I grabbed ahold of this gentleman and

struck him once in the side trying to gain

control of him. Again, complete disregard.

        People were running up behind me. And

while we were able to get some people in

handcuffs and out of that scene, this crowd just

continued.

        When they said they shut down Douglas to

Sidney, you're talking the Middle East exiting.

People coming from other bars. A lot of people's

safety was in jeopardy this night.

        You had vehicles trying to get out of

there. People parked in certain areas saying to

us "I just want to leave."

        "Now, you're in a crime scene, you

can't."

        So you have people getting frustrated

with alcohol playing a major role here.

        What you had was officers out-numbered.

        At some point in time 15 to 1.

That's a scary number.

You have to look around and were glad to see that MIT was responding, Harvard was responding, when you hear over the air "We need another wagon here" trying getting transport because our resources are exhausted, it was more or less at one point a scene of chaos and that's scary for any police officer because the level of violence was up this night.

And, you know, what we have talked about and what we said, now what's the next step here? If there was a firearm introduced, innocent people are going to get hurt, police officers and people that are just trying to be patrons in the City of Cambridge, and I think for us that was the most scary part of it from our safety perspective, and this is what we're trying to get and gain control of.

Thank you.

CHAIR ANDREA JACKSON: Thank you.

FIRE CHIEF GERALD REARDON: Sergeant

Cabral, from your observations, the veracity of

the fighting and so forth, usually there's

outside forces involved. You said a lot of these

people were intoxicated or highly influenced by

alcohol?

SERGEANT FRED CABRAL: Yes.

From reading Officer Bastilo's (phonetic)

report, or maybe it was Detective Flynn's, the

person who sustained the stab wound to the left

side was intoxicated. And you could smell

alcohol.

But in any group coming out of the club,

you can smell alcohol. But alcohol was

definitely a factor in the add to the crowd.

They were really kind of amped up because of the

violence.

FIRE CHIEF GERALD REARDON: It's more

than one or two who were amped up because of

alcohol, it wasn't just two combatants, it

appeared to be more than --

SERGEANT FRED CABRAL: Yes.

OFFICER PETER PHOTOPOULOS: If I can add

to that, the gentleman who had been stabbed in

the side, I don't know if he was just distracted

because of the pepper spray in his face or

alcohol intoxication but he had no clue he had

been stabbed.

I was trying to put a bandage on him. He

didn't know why I was touching him.

And when I say he was stabbed, it was

about a five- or six-inch wound that was three

inches deep.

When I was putting a bandage on him, my

whole hand was inside his body. It was a bad,

bad stab wound. He didn't even feel it.

Like I said, it could have been

distraction from the fact that his eyes were

burning, but he had no clue he had been

stabbed.

POLICE COMMISSIONER ROBERT HAAS: Could

you tell us what happened after you took them to

the hospital?

SERGEANT FRED CABRAL: The two

individuals that were transferred were the two --

two of the three main combatants of the fight.

POLICE COMMISSIONER ROBERT HAAS: Were

they charged?

SERGEANT FRED CABRAL: They were

summonsed.

POLICE COMMISSIONER ROBERT HAAS: Were

they charged?

SERGEANT FRED CABRAL: They were charged,

yes. They were charged with the affray, B&B and

for the A&B on Officer Grassi.

POLICE COMMISSIONER ROBERT HAAS: That

night how many people did you arrest?

        SERGEANT FRED CABRAL: A total of four

arrests. They were charged, those two victims,

the stabber/slasher and the disorderly in the

crowd.

        FIRE CHIEF GERALD REARDON: Are you able

to find out what the weapon was and was that

recovered?

        SERGEANT FRED CABRAL: The scary thing

about it is although we were in close proximity

and engaged with the people in the fight, we did

not see the weapon, but in the chaos, it could

have been easy for one of his friends to have

gotten or left or someone to have picked it up.

        We did a search later in the morning

after the incident and we were unable to find

it.

        CHAIR ANDREA JACKSON: So the weapon was

not recovered?

SERGEANT FRED CABRAL: It was not

recovered.

ATTORNEY SEAN HOPE: Madam Chair,

procedurally, what is the point where I would be

able to ask one of the officers questions on

their testimony?

Will that come afterwards?

CHAIR ANDREA JACKSON: Afterwards.

I want to make sure I hear everything I

can first and then you can ask the questions

through me.

I noticed there are other officers

present.

Sure, come forward.

Can I have your name?

OFFICER GRASSI: It's Officer Joseph

Grassi. Last name spelled G-R-A-S-S-I.

I was in the area in close proximity on

the morning of May 3 with Officer Lowe in close

proximity to Moska, probably two exits down from

doing an 86 visit at the bar closing. We heard a

verbal altercation.

        Prior to the verbal altercation, we

noticed an individual, he was identified as a Mr.

Abdias Aime, actually right in front of the

entrance of Moska leaving.

        We noticed him because of his large size.

We heard him speaking very loud.

        CHAIR ANDREA JACKSON: I'm sorry,

Officer, what was his size?

        OFFICER GRASSI: He was very muscular and

it was noticeable. We were noticing his build,

saying how large an individual he was.

        And we heard him involved in a verbal

altercation with some other people talking about

-- we really couldn't make out exactly what he

was saying. But he said he was wasn't going

back. We heard some reference to a prison

sentence that he was stating out loud, making it

known he served time in prison, and that had

us take notice even more and look in that

direction.

        A verbal altercation went back and forth

between him and other individuals and then

escalated to a verbal. Officer Lowe called off

that a fight was taking place and another

officer, Car 2, with Officer Photopoulos across

the street and people then responded.

        The individual in question was actually

retreated to the back area of the patio area on

the side of Moska.

        Officer Lowe and I were keeping our

attention on that individual and the individual

fighting.

        We heard a verbal altercation and

physical altercation from behind, and people came

across the street and were involved in another

altercation.

The other officers were trying to break

people up. There were two combatants or three

combatants at one point altogether. And I

noticed Sergeant Cabral on the back of one

individual trying to separate them.

I used my OC on some individuals to no

avail.

They were involved in combat and they

were not stopping at all.

At one point myself and Officer Lowe

actually handcuffed one individual, and at that

point, I was struck on the side of the face from

an individual behind me.

And at that point, we took the

individuals that we cuffed to the wagon, and

there was already one individual that was in the

wagon. We had to put the individual off to the

side. We noticed he had some blood on him. At

that point we asked the Cambridge Rescue to come

over and look at his wounds.

I had blood on my hands, jacket and pants

and the splattering of someone else's blood on my

face as well.

The Cambridge Fire Department was able to

help me clean that.

At that point we separated individuals

that were combatants, moving the crowd along.

But as Officer Callinan said, there were

individuals in the crowd that were not listening

to our commands and not seeing us as people that

were in charge, requesting them to move on,

requesting them to stop fighting.

The level of combatants was a high level.

And the force that we were using, and

particularly the OC spray, which is usually

effective, was having no effect on these

individuals at all.

CHAIR ANDREA JACKSON: Thank you.

Any other officers who would like to come forward to testify?

You're not required to if you're going to add the same thing, but since you're here, I'd love to hear from you.

Please state your name for the Board, spelling your last name.

OFFICER PADUA: Michael Padua, P-A-D-U-A.

I was one of the backup units that responded. Myself and Officer Bastilo were in Car 1. We arrived on scene. It was complete chaos. Sergeant Cabral had to shut down a portion of Mass Ave.

The combatants and also the patrons did not want to leave the area. They were given police orders.

We had to go hands-on several times to separate people and also push people out of the

area.

        At one point we had also civilians in

cars. We had a tractor trailer also parked in

the closed-off area, and the concern that we had

was if a patron or a civilian got nervous and

scared and decided to drive off erratically could

definitely hurt a police officer or a civilian.

        We've seen things like this happen across

the country.

        Also having that tractor trailer in that

area in case if somebody were to come back with a

firearm or anything like that, if that tank had

been punctured, it could have been disastrous.

        It probably would have killed everybody

in that area.

        FIRE CHIEF GERALD REARDON: Just to

clarify, this tractor trailer was a tanker

vehicle?

        OFFICER PADUA: I think it was a tanker

vehicle.

SERGEANT FRED CABRAL: I think it was a

box truck. It was a tractor trailer, but I think

it was doing deliveries to convenience stores.

We do have a lot of tanker traffic there.

That trailer, he was stuck there for a

better part of an hour, that tractor trailer.

OFFICER PADUA: That was another issue

that was concerning to us as law enforcement

controlling that area.

Just to go back on how out numbered we

were, we had to call other additional departments

to come and assist us.

Thank God we were able to have MIT and

Harvard close by to assist us.

We were very close to losing control and

definitely would have had State Police and Boston

come and assist us, if things continued to go.

FIRE CHIEF GERALD REARDON: For the

record, trying to get the State and Boston,

that's not an immediate thing. It will take time

for them to mobilize and get there.

OFFICER PADUA: Right. If they were tied

up on their own duties.

FIRE CHIEF GERALD REARDON: It's called

mutual aid, but they're not necessarily

immediately there when you need them. You

obviously need a fallback.

OFFICER PADUA: That's all I have to add.

CHAIR ANDREA JACKSON: Thank you.

POLICE COMMISSIONER ROBERT HAAS: Officer

Cabral, is there anything you want to add?

SERGEANT FRED CABRAL: I would like to

add regarding the March 22 event. I don't think

I gave you the information that we also had to

close Mass Ave between Douglas and Sidney Street

on that occasion as well.

And that was closed for probably half an

hour as the crowd was leaving.

CHAIR ANDREA JACKSON: You said that was

due to crowd control?

SERGEANT FRED CABRAL: On March 22, there

was no crime scene issues, it was just crowd

control issues. We closed down the street.

CHAIR ANDREA JACKSON: Any questions?

POLICE COMMISSIONER ROBERT HAAS: I'm all

set.

CHAIR ANDREA JACKSON: I'm going to give

you, Attorney Hope, the opportunity to ask

questions.

If you can ask them through me, please.

ATTORNEY SEAN HOPE: Sure.

So the first question I have just to

clarify for the record for Officer Cabral, it

wasn't clear to me, did any of the officers

actually witness or see a knife being used?

SERGEANT FRED CABRAL: Unfortunately, we

did not see a knife being used.

ATTORNEY SEAN HOPE: So the statement

there was a weapon being used was based on the

size of the wound, but not seeing any physical

weapon at the scene or the premises?

SERGEANT FRED CABRAL: That's correct.

It was based on the -- he had about a six-inch

wide, four-inch deep slash.

If I had to guess what the weapon was, I

would say it was like a box cutter type of thing,

it was a slash.

CHAIR ANDREA JACKSON: Please come

forward.

OFFICER FRANK LANGE: Frank Lange,

L-A-N-G-E.

Just to add to that, we had a witness

come forward and say he saw him physically

stabbed.

CHAIR ANDREA JACKSON: If you can speak

up.

OFFICER FRANK LANGE: We had a witness

come forward when we were dealing with the whole

situation, and he said that he saw the gentleman

stab him during the night.

CHAIR ANDREA JACKSON: On the night of

the incident, someone did come forward and say

they did see a knife being used?

OFFICER FRANK LANGE: Yes.

He gave us all the information and

contact information if we needed anything

further.

CHAIR ANDREA JACKSON: Any questions?

ATTORNEY SEAN HOPE: To clarify for the

record, no police officers witnessed the knife

being used at the scene?

I want that for the record.

CHAIR ANDREA JACKSON: If that's what I

heard correctly, is that correct?

SERGEANT FRED CABRAL: Yes.

ATTORNEY SEAN HOPE: Did any officers witness a knife being held or used inside the club?

CHAIR ANDREA JACKSON: I didn't hear that testimony, but I will let Sergeant Cabral answer.

SERGEANT FRED CABRAL: No.

ATTORNEY SEAN HOPE: I want to make a comment to Sergeant Cabral's reference to escalating violence at the club.

The question is: In June was the last incident that Officer Cabral said he witnessed this type of volume of citizens and so there's been 11 Fridays -- I guess 22 Friday and Saturday nights since June, so do you think in the time between last June when those major incidents happened and March 22 and May 2 have there been any other similar incidents that would have

seemed to have increased the level of violence

other than the March 22 incident?

SERGEANT FRED CABRAL: Those are the only

three I responded to. I think there have been

other events that officers responded to. Those

are the three I had responded to.

ATTORNEY SEAN HOPE: Specifically,

referring to your comment that you thought there

was an escalation of violence, I wanted to know

on all the other weekends you might have been on

duty, was there increasing violence that

culminated in this event, or was this a

particular isolated violent event?

SERGEANT FRED CABRAL: The two other

major disturbances I responded to in June or

March did not involve a weapon, so the escalation

was the stab wounds. That's the only escalation

that I know of.

ATTORNEY SEAN HOPE: On the March 22

event, when it was stated that Mass Ave was

closed down, I believe in the record it stated

there were several other disturbances on

Mass Ave that evening, my question is: Was the

shutting down of Mass Ave solely due to Moska, or

also due to the large crowds that were on Mass

Ave?

          SERGEANT FRED CABRAL: There was an

incident on Brookline Street early in the evening

that had nothing to do with the closing of

Massachusetts Avenue and that was a medical

issue.

          ATTORNEY SEAN HOPE: And it seems as

though you're familiar with Central Square and

part of watching the different establishments.

          Can you speak to your opinion of the

professionalism of the security staff at Moska?

          Do you have any opinion on that?

          SERGEANT FRED CABRAL: The security staff

at Moska cooperates with us when we have

disturbances there, and we can rely on them.

They will work with us and cooperate.

        ATTORNEY SEAN HOPE: Specifically on

May 2 to May 3, that Friday night when the

stabbing occurred, did you notice any, or witness

any, improper conduct by any of the Moska

security staff or staff on that evening?

        SERGEANT FRED CABRAL: I did not.

        ATTORNEY SEAN HOPE: That's all I have.

        CHAIR ANDREA JACKSON: So, counsel, I

know you just asked Sergeant Cabral about from

June -- if I'm correct, June of 2013 to the May

incident?

        ATTORNEY SEAN HOPE: Yes.

        CHAIR ANDREA JACKSON: Is that correct?

        ATTORNEY SEAN HOPE: Yes.

        CHAIR ANDREA JACKSON: My understanding,

though, is that there have been several other

instances just may not have drawn as large a

police presence as the incidents that have been

referenced here.

So I don't want it to sound on the record

as though there have been other instances in

between. When, in fact, I know that the police

were dispatched June 21, 2013.

There was an incident on August 16, 2013.

We got March 22, 2014.

March 23, 2014.

And March 30, 2014.

Those are not instances necessarily why

we called this hearing. I certainly don't want

to make it seem as though there's been no other

instance other than these two.

ATTORNEY SEAN HOPE: You're correct.

I was only making a point to the

reference to an escalation.

And to me an escalation would be a series

of events that are culminating in a more

dangerous event. And it sounds as if this event

from all the officers was a uniquely violent and

dangerous event for everybody involved, and I was

only addressing escalation.

        Of the two incidents you mentioned,

March 22 and 23, those were the same incidents

because they go from Friday night to Saturday

morning.

        The point I was trying to just elicit,

though, and this was part of our written

submission, that really since the June incidents

when the Commission called us in, we had a

very serious hearing and there were material

changes made in the security protocol, the

music genre, and just the way the club was

operating.

        And so, if we were mistaken in that, I

wanted to just elicit that because I think the

idea of escalation was something that was

inconsistent to what we felt.

        But like any other establishments there

are other police involvement on a given weekend

night, but I think the escalation is what I was

trying to clarify.

        FIRE CHIEF GERALD REARDON: I think in

fairness, this event clearly is escalated from

other events.

        ATTORNEY SEAN HOPE: I agree. And I

think I am only pointing out it has been since

last June when there was a large event to now,

but there's a span of time in which that

happened.

        I would also say, and Mr. Rodriguez can

point to this, you know, we really believe that

the majority of the patrons that come to the

establishment on a given weekend are law abiding

citizens.

The idea that we have security personnel
and police presence and that one would still
attempt to jump over them and brandish a knife
doesn't speak to the majority of the crowd we
have in the club.

This is criminal behavior, and in our
opinion, based on some of the feedback, these are
people who possibly knew each other before the
event and decided to resolve their issues at that
scene.

It doesn't mean the other people
involved -- I just wanted to point out that we
really feel that this particular incident
involved criminals and one of them referenced he
had been in jail before and bragging about that
in public, that's not something we see rarely, if
at all.

And I think the officers recounted how
scary this is and they don't see this on a

regular basis.

I was not trying to downplay the

escalation because last June, when we were here,

the Commission was very serious about making

changes.

And we have to put it in writing because

I think it was fair for the Commission to judge

how we operate the club, what security protocols

are in place. We put that in writing,

specifically for that.

But that doesn't mean just because we

have the security protocols that this incident

wasn't an unacceptable incident. And when these

individuals started fighting, the security staff

and Mr. Rodriguez can speak to this, they were

very happy the police showed up.

At the same time they were afraid of

these large men. The fact that they weren't

deferred by police presence, like the officers

said, or the nine security officers at Moska,

spoke to the uniqueness of the situation and the

criminal element that was involved on that

particular night.

POLICE COMMISSIONER ROBERT HAAS:

Attorney Hope, I'm trying to sort out in my mind

what level of responsibility or culpability does

the club bear in terms of being an attraction for

these individuals coming to the club.

I'm not going to accept the answer that

they accept none.

My question also is then you got security

plans, you modified your operation, and yet we

have incidents like this taking place, and in my

view, create serious public safety issues, not

just for that immediate area, but for the entire

city by virtue of the fact I have to strip the

whole city of personnel to respond to an event,

and it's not the police's responsibility to

take control of the crowds attracted to that

venue.

I'm concerned that you have taken some

steps to modify your operation and, yet, we have

now witnessed at least two or three incidents

where there's still issues going on. I'm not

sure what else the club can do to modulate those

or mitigate those or reduce those from happening

because this cannot go on.

ATTORNEY SEAN HOPE: I would like to

distinguish this event from other events.

You heard testimony this wasn't a normal

type of event.

You don't have a normal event when you

have people fighting and using weapons.

But in terms of our level of

responsibility, I think what we first started to

do is to do our best to diffuse the situation in

the club.

Back in June when were using promoters,

the Commission is well aware that we had large

buses coming in for certain promoters and events

for a crowd we couldn't control.

We totally changed that. Friday and

Saturday nights -- we put in writing -- is top 40

music you hear on the radio.

The idea that the music or the atmosphere

bringing in criminals to this location as opposed

to any other places, we don't really feel is a

fair characterization of the patrons coming in

there on a weekly basis or weekend basis. We

don't have these types of incidents ongoing.

There are fights. And there are

situations that the security staff handles.

I'm not saying we're not responsible for

what happens.

We really make sure we don't allow

anything in the club and that we do rely, and I

actually have to commend the police because they

have the opportunity to patrol that whole

corridor of Central Square and they do a great

job around diffusing the situation.

       When you have a situation like this where

a large crowd is intent on fighting and using

weapons in this particular area, I don't know

whether that's something we could ever

anticipate.

       But it's a not a fair characterization to

say we have this criminal element committing

crimes in front of Moska.

       We see it as an isolated event.

       We actually fired the majority of the

security who were there that night. Not because

they did anything wrong per se, and Mr. Rodriguez

can speak more to the rationale, but we actually

feel we need to do more.

       It's not acceptable for us either.

I would like to say as much as city

resources is very important, this is detrimental

to the business. This will kill the business,

not just because -- we're not saying "Oh, this is

a part of doing business." This is serious for

us.

We really do see this as a scary isolated

incident by two or three criminals who were

intent on resolving some issue in that space.

I also would like to say just for the

numbers, we have a capacity of 480 patrons on a

given night. I looked at the police record and

they said 40 to 50 people. We're talking at most

ten percent. 90 percent of people come in on a

normal night who come there to dance, eat, drink

and go home. And I think we -- I'm not a police

officer, but I think when you have this type of

unique circumstance, I think it speaks more to

those criminal individuals than it does to the

caliber of people we attract.

I would want to point to the cost of --
it's not a place you can get into for $3 and have
a dollar shot and boozing it up and starting a
fight.

That's not what this is.

These are $300 tables for bottle service.
It's a $20 cover to get in. This there's a host
of security. And I think that's also -- the
police very frequently come in, Officer Lowe
comes in, and other officers come in and help us
out.

I do think that Mass Ave is a challenge.

I think Cambridge is in a transition.

Now we're a cultural destination and they
want to draw different people for different
events in the evening time and we haven't figured
it out.

FIRE CHIEF GERALD REARDON: The other

thing the License Commission has to be concerned

about the alcohol service.

        And clearly from all the officers'

testimony, these people were pretty amped up.

        So one would have to ask, were they

over-served?

        Were they on the influence of something

else?

        What is the mix here when you use OC and

these people are just immune to it, they

obviously have some sort of a substance issue

going on, and is that part of over-service in

there?

        I'm not saying that. But we have to ask

those questions because that would take that

crowd and enhance that crowd because they're

going to a certain point.

        But I think the testimony would indicate

that some of these people were just oblivious to

the force being used. And pepper spray is not

something that is trivial.

These people were obviously, you know,

wound on something. And was it, in fact, part of

their entertainment at Moska that night which is

obviously before us.

ATTORNEY SEAN HOPE: I completely agree

with that.

I think the individuals were fighting who

don't respond to being cut with a large weapon or

something is not a characterization of the

majority of the 400 people in there. It would be

something totally different.

To your point about over-serving, there

are a number officers there in the club on a

regular basis, on a Friday night on detail, or

just observing and helping us out.

Investigator Henderson comes in on

several occasions, and part of the reason I asked

about the professionalism, and I think the

officers could speak to, this is not an

establishment that is reckless with the serving

of alcohol or the entry or those things.

I'm not saying mistakes never get made.

What I'm saying is a pattern of

behavior, I don't think that you will hear that

this is something that they're constantly

over-serving.

If they were on PCP or some drug that

would allow them to act in this way, I don't know

what two drinks does to someone like that. But

we're very strict with drugs. We have 32 cameras

on there.

I think last summer there was issues of

gang violence and things. The police came and

said, "Look, we have certain individuals we know

who are gang members," and we changed that and so

we made that shift.

I'm not saying that people don't come in

there who may have outside issues. But I am

trying -- I don't think I want to paint the

picture this is where people come to get drunk

and have a bar fight. It's not. You have to

wear dress shoes, you have to have certain

clientele.

I would say there's a challenge because

it's a restaurant and the restaurant allows

people to come in in jeans and sneakers.

What they have done is add another level

of security by the rear access to the door

because then you can have people in the front,

but not coming into the rear.

FIRE CHIEF GERALD REARDON: Knowing you

were coming here tonight, do you happen to know

who the crowd control manager of record was and

what the crowd numbers were?

ATTORNEY SEAN HOPE: This is where

Mr. Rodriguez can come and speak to that.

FIRE CHIEF GERALD REARDON: You're aware

that there's a safety form that has to be

performed and signed every day and you have to

keep those records for one year?

ATTORNEY SEAN HOPE: With respect, it's

not for me to be aware. I would like

Mr. Rodriguez to come up.

FIRE CHIEF GERALD REARDON: It's part of

their license.

At some point I want those records

probably going for back six months.

ATTORNEY SEAN HOPE: I do know they do

have an automatic counter independent of them

that actually counts the total number of people

that come through as well as have a hand counter,

which I think is what the police rely on when

they want to determine whether or not they're

over capacity.

Interestingly enough, on May 2, there

was -- the club was at 275 people in the club.

(Unidentified person speaks too low and

inaudibly to record.)

CHAIR ANDREA JACKSON: I'm sorry. He's

going to have to identify himself for the record

if he's going to speak and he has to speak up.

ATTORNEY SEAN HOPE: There's 275 people

total of a capacity of 480.

On May 2 it was not one of those nights

where they were brimming at capacity, and had

some large event.

We reviewed this before we came here. It

was a slower night. It wasn't -- we were not at

400, 450 people. It doesn't mean what happened

wasn't severe. It wasn't caused by like things

of over capacity or allowing certain venues.

FIRE CHIEF GERALD REARDON: That's a

valid question we should ask under the

circumstances to find out what the circumstances

were that led to this.

Whether it's overcrowding, whether it's

the type of venture that's done, whether it's

alcohol or whether it's -- that is the duty of

the License Commission to find out if the license

is a privilege and the privilege it has to

maintain public order.

ATTORNEY SEAN HOPE: That's why we

submitted what we submitted in writing.

You would know from our perspective

outside of verbal testimony of what happened.

If you will notice -- I want to bring

this up as a procedural point -- we did not have

access to -- except for yesterday -- and I think

the Police Department for making that document

available. Normally in our experience it takes

ten days for you to access a police report. We

were -- we received notice on May 7 for a hearing

less than ten days away.

Any failure to fully flesh out what was

in there, we didn't have the report until

yesterday, and we did our best to fashion

something we could submit to you in writing

explaining that.

As you noticed, the details of what took

place were not in the club. We gave -- we

cooperated with the police in terms of testimony.

We gave them what they asked for.

We gave them access to all the cameras to

see what happened in there. I think one the

points we're making is that -- I believe now and

he can speak to that, we pride ourselves in

trying to do what we can do to be professionally

responsible for the club, for the alcohol, for

the patrons and the venue.   And it's a

challenge when you come out of the club or they

have friends that can't get in the club and hang

around and do other things. That's a challenge.

I don't think it's a challenge specific

to Moska.

I think it's challenge for Middlesex when

they have issues there and challenge for other

places, Tommy Doyle's in Harvard Square where

they had similar challenges.

I would like to bring up we hired a new

head of security in response to this, and this is

speaking to the fact that we're not saying this

is not our responsibility to come and actually

help us train our staff.

And you can give him the name, but he was

someone that worked at Tommy Doyle's before.

He's experienced in dealing with dancing

and alcohol which is different than a bar or

tavern or some of the other places to help

upgrade our security.

They're not taking this lightly.

I think we're trying to portray that in our written submission.

POLICE COMMISSIONER ROBERT HAAS: A couple things you said, I think you're on point on some things.

Also, I think I understand from prior testimony, I mean, this is not a novice owner. He was an experienced owner and operator. He's been operating not just this establishment but another one.

From my view, it's not a brand-new learning curve for him. We can't afford to have these kinds of situations not only for our standpoint from public safety, but from his point as an operator, because as you point out, if you guys -- is this serious enough?

It will kill the business and not only kill that business, but everything they have been trying to work for in terms of Central Square as

a cultural center. So I view the owner having a

significant responsibility in terms of

maintaining control, not just within the

establishment and I have had this conversation

before, but also immediately outside the

establishment, and we have had plenty of

testimony in the past and I agree with it, that a

venue, to some degree, takes some responsibility

for who it brings to that establishment whether

you want them there or not.

        So the question is, what is attracting

people to come to this establishment, and what is

their responsibility to not just simply say you

can't come in and leave them out in the street to

create a disturbance, but making sure they take

significant steps to mitigate so it doesn't

escalate to this point and time and the

department can't continue to invest the number of

resources it does to maintain that control.

I appreciate the fact that officers do,

in fact, go in and are around the establishment,

but it's not their job to be part of that

security staff. It's really the security staff's

responsibility to maintain control and make sure

that they take steps, to your point, have

somebody training them to de-escalate incidents

and not rise to the level of what we saw on May 2

and 3.

ATTORNEY SEAN HOPE: I agree.

I do think that the owner's

responsibility has to be seen in the light of

other operators of similar establishments and

there has to be a reasonable understanding. It

can be an absolute.

If anything happens you should be in for

a disciplinary hearing.

When a stabbing happens, I understand

it's very serious, the Commission is find out

what happened and try to mitigate that.

My only point is I think that we really

are trying and we're open for suggestions. Part

of the reason I recommended we put our security

procedures in writing is because if there's

something that we're not doing that is very

glaring or obvious even after the security

personnel, we're open to it. I think before it

was really about the music and the promoters and

we've changed that.

But I also like to -- this is the only

club with dancing of any significant size in

Cambridge.

If you look at Boston and look at their

theater district, which they have a series of

those, they do things after hours, like, okay

we're anticipating the crowds and that's how they

decide to allocate resources.

I do feel like we're in a transition

where, you know, it's an allowed use, it's

allowed use on Mass Ave and not in other areas,

and we're trying our best to figure out how to

escort people out who are about to have a fight

and coordinate with police officers.

          But I just think the May 2-3, to me, is a

very unique situation. And some of our staff

believe that these were individuals that not just

bumped into each other at the club and decided to

get into a melee, and that might be evident by

the people who knew both sides, and there are

sometimes when people go to a certain venue, and

that's not something we attract. It would put us

out of business. We don't fully have the answer

to how do you prevent this from happening.

          But in terms of the responsibility, I

think if we're doing everything commercially

reasonable within the club and try to coordinate

with outside security staff, which we are now

bringing in because we understand what we

have is not enough, and if the other security

staff is not active, we fire them and hire

someone else.

It's not clear to me whether or not the

May 2 event had anything to do with things that

were occurring in Moska, but nonetheless, we

have taken the extra step because it's keeping

us -- it will kill us and destroy the

restaurant.

As much as the Commission sees it as

serious, I think Solomon and Renato have put

their livelihood into the business. I say this

is a marked difference from the events that

happened last summer.

And I do take some objection to those

being included in that same disciplinary hearing

because I do think in terms of facts and

circumstances, those were not apples to apples.

And those were over 11 months ago and

they were just opening up in January.

We had been open for four months, and the

Commission was clear and we made the changes.

CHAIR ANDREA JACKSON: If I could

interject here. You said you made the changes

with the promoters, did you go to using deejays?

ATTORNEY SEAN HOPE: We did.

CHAIR ANDREA JACKSON: And so, where are

these deejays coming from? And don't they have

their own following?

ATTORNEY SEAN HOPE: I think this is

where Mr. Rodriguez comes in.

CHAIR ANDREA JACKSON: And again, if you

could please state your name for the record,

spelling your name, please.

RENATO RODRIGUEZ: Renato, R-E-N-A-T-O,

Rodriguez, R-O-D-R-I-G-U-E-Z.

So specifically to the question, we

handle the bookings. And it's mostly radio

deejays. These deejays are playing on the radio

stations.

CHAIR ANDREA JACKSON: I would beg to

differ.

I took the opportunity before I came down

here to listen to one of the deejays. I went and

found his website and listened to the music. I

don't know what radio station you're listening to

unless you're talking satellite, but it's not on

a regular commercial station.

And, in fact, one of the deejays that I

found on the calendar has listed his name as the

DJ Knife.

And that's his emblem. It's a knife.

I would suggest to you that that's not

what you're finding on mainstream radio and

perhaps you are inviting, again, a knife, this

type of violence into the club.

RENATO RODRIGUEZ: What I would say, the

name of the deejay, he's a very well-known local

deejay from Cambridge who has been in Cambridge

for many years, and his music, if anyone were to

listen to it, it's very mainstream, it's what you

hear on the radio and it's really what we cater

to. We're very mainstream --

ATTORNEY SEAN HOPE: But I just want to

add, too, specifically when we listen to deejays,

we're talking about Friday and Saturday night.

So in terms of the mainstream and using

the radio deejay, that was a Friday and Saturday

night.

Is it true that on Thursday or a

Wednesday you may bring in, not hip-hop, but it

could be different types of deejays that were not

necessarily on the radio. I just want to make

sure we're clear.

Friday and Saturday nights are the big

nights and those are the nights we have large

problems.

        We have taken those nights and some of

the other smaller local deejays on a Tuesday

night or Wednesday when you can't get a crowd,

people will come who know a local guy to come.

        But I think it was really the Friday and

Saturday nights we were at capacity, and those

are the times we said we can't bring in the guy

from Boston, we can't bring the guys from Rhode

Island.

        RENATO RODRIGUEZ: That specific deejay

has nights at the Middlesex Lounge, at the Middle

East Restaurant, at the Good Life in Boston, and

he's a very well-known deejay playing all the

major venues in the Greater Boston area.

        CHAIR ANDREA JACKSON: What deejay was

playing on May 2?

        RENATO RODRIGUEZ: In the back, deejay

Poppadom was the deejay. In the Naga space,

front space, was the deejay Reel Drama, R-E-E-L,

D-R-A-M-A.

        CHAIR ANDREA JACKSON: Okay. So now if

you want to speak to security protocol.

        RENATO RODRIGUEZ: Sure.

        And we submitted our security protocol in

writing.

        I will say on any given night we have

three or four crowd controls. I generally fill

out the sheet myself or whoever is our security

lead for the evening and that's on file and we

can provide that for the record.

        In terms of our security policies, in

general, it depends from night to night, based on

what we feel, or based on the crowd we're

anticipating in terms of numbers.

        So May 3 specifically we had 12 security

on, and just so you guys are aware exactly how we

run the security team, we have generally four

security members at the door, one checking ID,

one is checking out the crowd, going back and

forth and making sure everything is orderly.

        We have two securities doing pat-downs or

search of the body. One for female. We have a

female security for females and a male security

for male patrons. And we're generally checking

for narcotics, drugs, as well as nips or alcohol

containers, flasks and we're also looking for

weapons.

        That's in the front room as you make your

way to the back we have two security --

        FIRE CHIEF GERALD REARDON: If I could.

So which one of these people in the front door is

the crowd control manager?

        RENATO RODRIGUEZ: Well, that would be me

or at the time it would be Sam Figero, our lead

security guy.

        FIRE CHIEF GERALD REARDON: He's at the

front door also on top of those others?

        RENATO RODRIGUEZ: He's considered a

manager.

        Right before the entrance to the Naga

space, we have two security that patrol the

bathrooms and restroom space as well as the coat

check area.

        Within the Naga space itself, we have

about six security. That evening we had six

security.

        Four of them are in fixed positions in

the corners of the room. Two of which are

roaming the back area looking for over

intoxication or signs of rude or unwanted

behavior.

        In terms of security procedures, when

there's some sort of altercation inside or

outside within our general area of control, we

have policies written in place which all our

security staff are trained in and it's to

identify individuals who are either causing

issues or bothering other patrons.

         If we identify that their behavior is

unwanted, we approach them and we let them know.

Generally we give them a warning or two before we

ask them to leave.

         When we approach and we ask -- you know,

your behavior is unwanted, we tell them they have

to leave the premises. And if they leave

compliantly, we'll escort them out and take them

outside. If they're noncompliant, we'll get in

physical control of the individual and force them

out of the venue.

         Part of it is to identify who is causing

issues, to control the situation, to isolate and

separate parties if they're arguing, or if

they're involved in some sort of physical

altercation, and then we walk them out of the

venue.

        FIRE CHIEF GERALD REARDON: On the night

of May 3, were any of those parties seen by

security, were they out of line before this fight

started?

        RENATO RODRIGUEZ: No.

        FIRE CHIEF GERALD REARDON: Did anyone

know after the camera surveillance was reviewed

whether or not the combatants where they were in

the club?

        RENATO RODRIGUEZ: They were on the

premises.

        FIRE CHIEF GERALD REARDON: Were they at

a table service-type location?

        RENATO RODRIGUEZ: One individual, I

believe the individual that sustained the wounds

was at table service.

        FIRE CHIEF GERALD REARDON: Are those

bottles brought to the table?

RENATO RODRIGUEZ: Depending on what they

purchase. They could purchase bottle service, if

you have a cocktail waitress that serves them, or

they could order.

FIRE CHIEF GERALD REARDON: Are they

allowed to pour their own drinks in bottle

service or --

RENATO RODRIGUEZ: They're not. The

bottle is always handled by the cocktail server

unless it's champagne or wine.

ATTORNEY SEAN HOPE: Can you address --

Officer Cabral in his initial statement was

talking about the March 22 --

CHAIR ANDREA JACKSON: If I can correct

the record, it's Sergeant Cabral.

ATTORNEY SEAN HOPE: Sergeant Cabral was

mentioning some reentry in his report, he said

there were certain individuals outside. And I

know we clarified, but I think for the record I

want you to explain your experience of why he

might have thought individuals out front that

weren't let in and after a fight broke out came

in. Can you explain that?

RENATO RODRIGUEZ: A lot of times if we

see someone who is not fit to enter the club,

maybe they're already coming in intoxicated,

they're out of what we deem to be out of the

dress code or not fit for the night we're

catering, we deny them entry. We'll ask them to

move along.

They sometimes they do, sometimes they

don't. Sometimes they will tell us "This is a

public sidewalk. We have every right to stand

here."

Even though we ask them politely, there's

very little we can do short of us having detail

in place where we could ask the detail to please

ask this gentleman to move along or whatnot.

Sometimes they don't want to move. And although we may insist and be proactive about getting them to move from the area, a lot of times they don't. And if they cross the street and they go to the McDonald's area, there's very little we can do to get that individual or group of individuals to disburse.

Specific to the 22nd, there was an altercation inside the club in which the parties that were arguing were separated and walked out.

And then this is when, I guess, the fight outside took place and there were individuals that were not let in within the area.

POLICE COMMISSIONER ROBERT HAAS: On May 2 and 3 what prompted the request for a detail officer at 10:45 p.m. that night?

What was going on that was of concern to you to order a detail that late in the game?

RENATO RODRIGUEZ: We were expecting a

busy night.

It was a busy night for the night.

POLICE COMMISSIONER ROBERT HAAS: Did you

expect you would get a detail officer on such

sort notice?

RENATO RODRIGUEZ: We request detail

officers regularly, we do every Friday. But it's

not always filled. I believe we called it in

earlier in the evening. The offices were closed

and we left a message.

I personally called between the hours of

4:00 and 6:00 p.m. to request a detail.

POLICE COMMISSIONER ROBERT HAAS: I'm

trying to figure out what prompts you to make a

decision you need a detail?

And again, my question is more to the

point of the lateness which you called for a

detail and having an expectation you will get a

detail to respond on a weekend night to your

establishment? I'm trying to figure out on that

sort notice is there a really an expectation

you're going to get an officer or not.

          RENATO RODRIGUEZ: We haven't --

unfortunately, we haven't had -- I guess, you

know, we have had mixed -- mixed -- you know, a

lot of times we request it and it gets filled. A

lot of times it doesn't. We try to request them

either way whether it gets filled or not.

          What we have done -- it's in our writing

as well -- we hired contract security teams that

augment our in-house security team in order to

fill the void.

          ATTORNEY SEAN HOPE: I think the

Commissioner was asking, what makes your internal

decision when to call in the detail?

          POLICE COMMISSIONER ROBERT HAAS: Right.

          RENATO RODRIGUEZ: Based on numbers. If

we're expecting a sold-out night, meaning we're

going to reach capacity and we're not going to be

able to serve everybody coming in, we generally

request police details.

POLICE COMMISSIONER ROBERT HAAS: What

are your expectations of a detail officer?

What do you expect him or her to perform?

RENATO RODRIGUEZ: Honestly, when we have

a police detail officer, we like for them to be

outside, just as a presence, along with the front

door security staff, just as a police presence.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

RENATO RODRIGUEZ: We never really or in

the past really asked too much of them.

If there's an individual that needs to be

removed who is noncompliant, we ask them to

witness the situation, so if it comes to the

point where we have to use physical force,

they're there.

We like to have police presence. Just by

the nature of them being in uniform sends out a

stronger message than my security team or

myself.

POLICE COMMISSIONER ROBERT HAAS: But on

May 2 and 3 and I'm going to give you the benefit

of the doubt that wasn't 10:45 p.m., it may have

been earlier, but even then, that late into the

-- I mean, you know you'll be open Friday and

Saturday night, I'm trying to figure why would

you wait until that evening to try to call.

I'm trying to figure out what prompted you that

night to ask for a detail that night?

Was it the behavior or the atmosphere you

were concerned about? I'm trying to figure out

what was going on.

RENATO RODRIGUEZ: People reserve ahead

of time. Based on the reservations we had for

table services and guest list, we were expecting

to have over 300 people in the building. So we

decided then it would be good to have...

        CHAIR ANDREA JACKSON: You had that many

names on the guest list prior to?

        RENATO RODRIGUEZ: I don't know the exact

number.

        I know looking at the names and

reservations, I knew going into the night, it was

going to be a busy night.

        FIRE CHIEF GERALD REARDON: On an average

week, on Friday and Saturday night even if it's

not high, what would be the average?

        I won't hold you to this number.

        What's the average occupancy on a Friday

or Saturday night? It has to be up there

generally speaking.

        RENATO RODRIGUEZ: It depends, to be

quite honest with you.

        We haven't been really busy the last

couple weekends.

        We generally are doing between 200 and

300 in the back and about 50 to 100 in the front

bar restaurant and patio space.

        On the night of May 3, I believe we had

317 total, 200 individuals in the back space and

about 100 or so in the front space area.

        FIRE CHIEF GERALD REARDON: I would think

in light of the some of the things you may want

to reconsider, I think the police presence at the

front sends a message to some of the guests

before they enter the establishment what is going

on.

        It's not a requirement, but I think it's

in your best interest to send that message,

right?

        You're certainly not going to be able to

fill it the day of the event on weekends.

        Weekends are very busy and I would assume

that you can generally assume Friday and Saturday

nights is a large crowd. I'm not saying that is

every night, but at least the weekends.

POLICE COMMISSIONER ROBERT HAAS: I make

two points about the details. One, I would not

say that you need -- you should not be depending

on details to be the factor that will control the

behavior of your clientele.

I think ultimately, in my view, it's your

responsibility or your security staff's

responsibility to maintain control.

I long maintain officers are not bouncers

and they're not there to serve as bouncers or to

augment the security staff in the sense that

they're doing that kind of work.

I do agree with you they can have

somewhat of a deterring effect on clients when

they come in.

But there's no guarantee you're going to

get details.

        You have to operate regardless whether

you have detail officers or not.

        That means your security plan has to be

such that you should be able to be self-reliant

without an officer being there or not being

there.

        And I think the problems based on what

you're describing to me more are when you do turn

patrons away, and I appreciate the fact that you

do that, but there has to be some way for your

staff to de-escalate the situation and not allow

people to gather and stay outside of the

establishment because it's going to cause a

problem for the rest the crowd.

        And to Attorney Hope's point, your

clientele are not going to want to be exposed to

that kind of violence or take the risk of being

involved in that kind of violence, and they're

not going to come.

I mean, they're simply not going to come

if there's going to be a chance that you see what

happened on May 2 or 3 occur again.

And I'm hoping it's an isolated incident.

You get enough of these and you're going to be

out of business. You're going to be out of

business.

RENATO RODRIGUEZ: I agree.

And what I --

POLICE COMMISSIONER ROBERT HAAS: One way

or another, right?

RENATO RODRIGUEZ: Yes.

CHAIR ANDREA JACKSON: If I can even add

in, if I'm understanding, the officer gets to

select the detail. Why would anyone want this

detail?

POLICE COMMISSIONER ROBERT HAAS: That's

a good question.

CHAIR ANDREA JACKSON: I guess that's my question.

If I was an officer, I wouldn't want it. I'm not going to put myself in harm's way.

If I had to choice between a detail of standing out on a corner or standing in the club where I know someone just got stabbed, it's not going to be on my top ten list of places where I'd want to go.

FIRE CHIEF GERALD REARDON: I think at the end of the day this incident could've been extremely worse than what it was.

I think everybody was fortunate that it didn't escalate more than it did for whatever reasons. And this is something we got to get to the bottom of and make sure it doesn't happen again.

RENATO RODRIGUEZ: And what I will say in response to your comment is we do contract with

independent security contractors to make sure we

have enough manpower to be able to deal with

issues in case that police are not able to

respond or not there.

CHAIR ANDREA JACKSON: So if I can ask a

question about that. In the letter that was

submitted said that you hired in the weeks prior

to the May 3 incident, you hired Sam Figero as

security manager whose sole responsibility is to

hire, train and discipline and oversee all

matters of safety and security. He was hired

based on his experience.

And then you go on to say after careful

consideration of the events on May 3, as well as

the one in March, you decided the current

security team was very complacent and relaxed in

their standards as to the execution of their

duties, and you completely replaced the entire

team as of Monday, May 5.

So who do you have in place for security?

Because I'm not clear after reading this.

RENATO RODRIGUEZ: Well, we hire -- so

after, on Monday, you know, the Monday after the

incident happened, we, as a staff, as management

staff sat down and reviewed what happened, you

know, on that night.

CHAIR ANDREA JACKSON: Sam is not there?

RENATO RODRIGUEZ: Sam is there.

CHAIR ANDREA JACKSON: So Sam is there.

Okay. That's my question.

ATTORNEY SEAN HOPE: It seems confusing.

It seems Sam was part of the crew that was

fired.

RENATO RODRIGUEZ: No. He was hired a

week prior, and he was there, and in our meeting,

we decided the security team has been with us a

long time, certain elements we felt weren't

meeting our standards of professionalism, so we

decided collectively to just scratch everybody

and start anew under a new security manager.

          CHAIR ANDREA JACKSON: So you have a new

security management team subsequent to this May 2

incident?

          RENATO RODRIGUEZ: Yes.

          CHAIR ANDREA JACKSON: What is different

about this team than the team you just replaced?

          RENATO RODRIGUEZ: We feel it's a

brand-new team that has no -- don't know the

crowd coming into a new venue. It's being

completely brought in under certain standards and

I think it's just a new team. It's a new team

that doesn't have any --

          ATTORNEY SEAN HOPE: If I can just add,

one of the things we talked about with the new

team you said some of the outside security staff

after they've been there for three or four

Saturdays, they get to know certain people and

they may not act as professional because they

have friends and other people that came.

        And you had said to me that was one of

the things that made you fire the complete staff

is that you cannot have people who treat certain

people different than others even if you thought

that was an issue. And now the outside security

was called in before and know --

        RENATO RODRIGUEZ: After March 22, we

always contracted X amount of security company to

provide extra security for us.

        After March 22, we noticed that that team

really wasn't what we wanted. And, you know,

basically the way that situation was handled, we

felt they did not do a good job, so we cancelled

our contract with that team. And the following

week got a new security team that we contracted

with.

        FIRE CHIEF GERALD REARDON: How long have

crews been working out since --

RENATO RODRIGUEZ: Prior to May 3, they

were with us three Fridays.

FIRE CHIEF GERALD REARDON: And the new

team has already done weekends since then?

RENATO RODRIGUEZ: The new team we have

in-house all new guys and we continue to hire.

FIRE CHIEF GERALD REARDON: So they have

been in place the past couple weekends?

RENATO RODRIGUEZ: Just starting

Wednesday, which was our last club event -- our

first club event after the weekend of May 3, and

we had about six or seven guys on our in-house

security team.

CHAIR ANDREA JACKSON: So this team has

been in place how long? A week?

RENATO RODRIGUEZ: (Nodding.)

CHAIR ANDREA JACKSON: And you're nodding

your head. I have to get that on record.

RENATO RODRIGUEZ: Yes.

FIRE CHIEF GERALD REARDON: So this new

security team, will you get the same personnel

every week or does it vary?

RENATO RODRIGUEZ: We, for the most part,

like to use the same personnel depending on their

availability. But in the past we will schedule

regularly the same guys and that's the way we

like it.

FIRE CHIEF GERALD REARDON: I assume if

you're putting in security, you're trying to get

certain procedures done. Obviously, having

different people showing up every week would not

be conducive, to your knowledge of the building

and your plan and having to bring them in new

every night?

CHAIR ANDREA JACKSON: But in the same

vein, if you have the same people --

FIRE CHIEF GERALD REARDON: He's saying

after the three or four weeks the familiarity

comes in.

        CHAIR ANDREA JACKSON: Right. "You know,

hey, I know you, can you let me slide in?"

        ATTORNEY SEAN HOPE: And I think

specifically to the familiarity issue, that

specifically was reference for the outside

security. But you have guys that you never met

before, they're part of a security team, they

work so many times. The next thing you know,

it's harder to control them where you have people

that their job is at Moska, they're part of an

internal.

        The outside security is a little more

challenging to manage, but I think we're

committed to finding the right team to do it.

        There's plenty of places in Boston that

run, and if we need to spend different -- more,

we're going to do it.

That part we're learning, but the

important thing is we're not relying on detail

officers and not relying on the city to do

this. And we reviewed with the owner, we said,

"Maybe we need to hire two security teams or we

need to do something else." And I don't think

more is gonna be necessarily the best thing, you

know, to double up.

But the point is the commitment to the

resources are there. Because if we have this

type of event, there will be no more resources

for anything. It's not like we're trying to save

money.

And I will add, too, it's a challenge at

2:00 at night with the public sidewalk.

Mr. Rodriguez mentioned you have patrons

saying "it's a public sidewalk" and they know

constitutional law and they're essentially

dealing with what the police are dealing with.

I don't know what can be done by law

enforcement when you encourage someone to move

on.

We explored talking to City Council,

legislators and others. Maybe there's an

ordinance that can be passed there that would

be -- a private individual or property owner can

move people along. Because right now people

can -- the people can look at the security staff

and ignore them.

POLICE COMMISSIONER ROBERT HAAS: So to

your point, I mean, one of the things -- I don't

know if it's advice or counsel, but that you're

at a very tenuous place in my mind with respect

to what took place on May 2 and May 3.

You've got a brand-new security team.

I would think that given -- again, I'm

not sure with respect to this one event, but I

don't think you can afford to have another

event.

And my thinking would be that you

probably want to do something relative to

additional security until you get a better

handle on what is going on in the

establishment.

I am reading your letter saying five to

12. You're going to slide back and forth like

that, like I said, all you need to have is one

bad event, it can be totally disassociated with

May 2 and 3 but in my view, it's not because I

think what I'm concerned about is the public

safety implications, and not just from the

standpoint of trying to help facilitate your

operation, but the impact it has on the entire

city with respect to manpower when the entire

city had to shut down and a major thoroughfare

for a long period of time.

And you heard Sergeant Cabral try to

manage five different missions at the same time

between a crime scene, taking people to the

hospital, trying to manage crowd control, trying

to maintain the people who were fighting.

It's stress on the department.

I'm not interested in bringing outside

use resources to the city.

I mean, we're fortunate that MIT and

Harvard train with us. They know how we operate.

I don't want to introduce outside

resources because we don't work with them and we

don't train with them.

You're very fortunate, in my view, you

didn't have to pull resources from Boston or the

State Police. And I'll tell you those agencies

are busy Friday and Saturday nights.

I think to Chief Reardon's point, those

resources are not always readily available and

it's not a cushion for us.

And I can't afford to have my officers

exposing themselves to that hazard at the same

time stripping the entire city to maintain

control for one establishment for a period of

time, in this case almost up to an hour trying to

get it under control and resolved.

My thinking is that you may want to think

about erring on the side of having more

protection than less.

It's your responsibility to maintain the

operation.

We'll respond when you call, but you

don't want to have repeated what happened on

May 2 and 3 because this is not an isolated

incident.

It's something I need to be concerned

about with respect to maybe we're revisiting last

summer all over again. We're early in the season

right now.

RENATO RODRIGUEZ: If I may just to make

sure it's clear, when we say between five and 12,

we're talking about all of our nights, so, for

example, we could host a private party for MIT

which we will get maybe 75 to 100 people. We

personally feel it doesn't require 12 to 13

guys.

On a Friday or Saturday night, we always

schedule the most amount of guys, and if it's

not -- if the night is not that busy, we cut.

But the plan that was given forward on

our security procedures are based on all of our

nights. We don't have 480 people every night of

the week --

POLICE COMMISSIONER ROBERT HAAS: I get

that.

RENATO RODRIGUEZ: -- inside the venue.

Friday and Saturdays are our busiest.

POLICE COMMISSIONER ROBERT HAAS: Looking

at the series of events, the greatest issues you

seem to have is on weekends for obvious reasons,

that's when people are going to come out and

that's when you're drawing people into the

club.

          I think you have to be a lot more

attentive to what is happening on weekends.

          I'm talking about Thursday, Friday and

Saturday night.

          RENATO RODRIGUEZ: One last thing, if I

may.

          Also at that time it's also Middle East

letting out their people. Middlesex. It's not

only our 300 guests exiting, you know, on that

sidewalk specifically because you have hundreds

and hundreds of people exiting all over.

          POLICE COMMISSIONER ROBERT HAAS: And

we've worked with the Association, as you well

know, to figure out how all the operators can

work together to provide for a safe environment

and we recognize the fact if you have large

venues and you're very close proximity to one

another, you will have this large crowd issue.

          And as much as you don't want to pinpoint

one venue, you will all contribute to it. And in

this case, May 2, 3, clearly the source of the

venue was the Moska Lounge. And that's not to

say it can't happen someplace else.

          What I'm concerned with right now is that

you're a contributing partner in terms of what is

going on. And my question is: What are you

doing with your other partners to resolve this

issue?

          We've made some recommendations to the

Association. In my view, it hasn't gone

anywhere. There's been conversations and

meetings, but beyond that, nothing has

happened.

ATTORNEY SEAN HOPE: Can I speak to that

one point?

So the Association held a meeting in May,

and there were members of the License Commission

staff, and from what I heard, this was the best

meeting. You had the four or five major, High

Five is now gone, in attendance.

Based on the feedback, they have been

talking among themselves, it's a voluntary

program, and so the impression we have given is

if a particular establishment is not having any

issues, then outside of the meeting it's, "Well,

it's their issue."

So our feeling is that unless it's

something that becomes more than voluntary, or

the establishments have a big situation, they

will say "We need to invest in doing this."

I don't think the Central Square Business

Association has any authority or has any -- they

don't, I think, have as much sway to make other

establishments participate.

        I only say this Commission may have the

authority, and if you don't have the authority,

then I think this is why -- they suggested to me

to get private security. Because the idea is

we'll all agree and have someone out there is

just not going to happen.

        There are other means. The City Council

has authority to do other things, but I want to

be honest with the Commission, it's not like one

more meeting and we're all going to get it

together. It's not that. That's a challenge,

but that's our challenge. It doesn't mean we're

absolved of the responsibility.

        The one thing I'd just like to get

clear on the record, obviously, an event like

May 2 and 3 is completely unacceptable and

dangerous and will shut our business down.

The question is, though, given the light

of the normal business we run, even when we're

not doing anything, there are incidents that

happen. Police may be called.

What I would just want to know from the

Commission is to make sure that hopefully we're

not on a one-strike rule.

May 2 and 3, you know, to me, that's an

isolated incident.

But if we're not overcrowding and we have

a patron we had to bring out because they were in

a fight and the police are called and the person

is arrested, that can be reported depending on

subjectively someone's decision that that should

be either informational or not, and so we do have

some concerns, frankly, because we're bigger than

anybody else, besides Middle East, who has a long

history and they never have problems with details

and stabbings and other things.

We're the new kid on the block and

different.

I think in terms of my client, I want to

make sure that we're treated very similar to

other people obviously in light of May 2, but not

necessarily held to a zero-tolerance standard

because people can come in and they can chose to

get into arguments, and we feel like our

responsibility is to work with the police and

handle ourselves reasonably, but I just wanted to

ask.

POLICE COMMISSIONER ROBERT HAAS: Let me

say this, if I had my crime analyst that take a

look at the number of incidents that involved all

the establishments, and this is, granted last

summer we had some serious issues and concerns,

but up to this point in time, until you had this

event on May 2 or 3, the License Commission

hasn't acted on it.

We're not looking at every incident as being a potential to bring Moska in before the Licensing Commission.

But I'm telling you right now, and our offices deal with situations all the time and deal with it effectively and get it resolved, this incident was out of control.

This incident had the potential of creating serious havoc beyond what took place and exposed every one of those officers to a great level of risk and patrons to a great level of risk and it was a major public safety issue from the standpoint of the entire city, not just what was taking place in Moska. So that is a distinguishing factor in my mind.

I will tell you that I'm not going to tolerate another incident anywhere coming close to this again, and you can be sure I will recommend to the Chair, if I get another event

like this, I'm going to be recommending to the

Commission that I want Moska to come back before

this body because I'm not going to call every

time you -- you have to call the police when you

need us, but not to this level, and not to this

level of chaos, and this level of danger to

the public that was presented that particular

night.

FIRE CHIEF GERALD REARDON: I want you to

understand, I mean, if someone's cell phone being

stolen or a request because something happened,

I'm not holding that against Moska because that

could happen anywhere.

But if you look, 12 incidents involving

large crowds, multiple police units needed for

assistance, there were three in 2012 -- this is

Moska -- seven in 2013, and two in 2014.

So that's not really insignificant.

ATTORNEY SEAN HOPE: No. I do think

large crowds is a challenge for everybody on Mass

Ave.

FIRE CHIEF GERALD REARDON: We're talking

about large crowds needing multiple units for

assistance.

ATTORNEY SEAN HOPE: For the licensee as

well, I think wanting to be clear --

FIRE CHIEF GERALD REARDON: You have been

in a big crowd before, counselor, you know, the

biggest, strongest police officer in the world

when there's 40 or 50 people around them, you get

overwhelmed, you know, it's a dangerous situation

when you're out there.

And these can -- we're fortunate with the

magnitude that was out there that night that no

one got seriously injured.

We're not saying it's all you. But this

is related to licensing here in the city.

CHAIR ANDREA JACKSON: Any other

questions?

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Are there any

members of the public that wish to be briefly

heard on this?

Please come forward and state your name

for the record, spelling your last name.

PETER VALENTINE: Can I sit down, please?

Peter Valentine, 37 Brookline Street.

V-A-L-E-N-T-I-N-E.

I have the right to speak because I'm one

of hundreds of people who spent many years

working to uplift Central Square.

If the people who are committing this

violence are not afraid of the police, why would

they be afraid of the security?

I heard everything spoken here. I

studied the defense and violence for 40 years,

and, in my opinion, nothing is going to change

violence.

This is going to happen again. The only question is how long will it be before -- how long will the Licensing Board wait until someone is killed.

CHAIR ANDREA JACKSON: Thank you.

Is there anyone else that wishes to be heard on this matter? Please come forward.

SAMUEL FIGARO: Good evening.

CHAIR ANDREA JACKSON: Good evening.

Please have a seat and state your name for the record spelling your last name and please speak up.

SAMUEL FIGARO: Last name is F-I-G-A-R-O, Samuel.

So I just wanted to state for the record, first of all, that I am a longtime lifetime Cambridge member, I love this city, and I have to tell you it's the greatest city probably in

existence, it's diverse cultural and it's just a

magnificent place to live.

        My children attend school here, one in

Cambridge Rindge and Latin and the other one in

Putnam Upper.

        I was brought onboard about a week ago.

        First of all, in the agreement I had with

Renato, the manager, I would observe first solely

to see exactly what needed to be complemented as

far as security.

        That's why ultimately when we had

discussion with the management, most of the

staff -- actually, all of the staff was let go

and I brought aboard new staff.

        In terms of what is new, you asked

earlier, what makes the security new? It's a new

fresh look.

        I can personally train them from the

beginning to the end in the ways that I have

learned security.

CHAIR ANDREA JACKSON: What is your
background as it relates to security?

SAMUEL FIGARO: I have been doing club
security for approximately 20 years.

I have been at Tommy Doyle's.

I'm well-known to a lot of the members of
the police force. I'm in good standing with
everyone.

That's the majority of it.

Other than that, there's been sporadic
different night events that I used to work within
Providence and Boston.

In terms of what is different, again,
my -- as I explained to Sol, the owner, my
security I like to be business friendly, which
means you have a business attire. I make sure
they dress according to a certain dress code.
And that invites other people, patrons as well,

to come in either, you know, to our standards or

better. It's customer service based. And I

think what I wanted to add and no one else spoke

on this, is that I think everyone in this room is

in agreement that it's not solely or mainly a

security issue. It's the crowd coming in.

I think the security on our staff as well

as the local police details and so forth are

doing an excellent job.

I think -- I'm not sure if everybody

wants me to say this but I think it's the crowd

coming in. I'm invested in Cambridge.

I don't want this to happen. I think

Cambridge is the greatest city in the world.

CHAIR ANDREA JACKSON: So what do you

think the club can do differently then?

SAMUEL FIGARO: We have been speaking and

we're realizing it's promotion and marketing.

We actually want to eliminate the current

crowd that's coming, and I don't want to say it's

anything new we're trying to implement, but me

observing, I understand we have to do it harder

and different.

          We have to think smarter. And we want

members -- we want our patrons to be like members

of the Board, good citizens and so forth. We

don't want to invite the criminal element.

          We want to establish a good crowd like

some of the crowds that are in Boston.

          And, again, I think it comes down to the

promotion. That's my sole belief. I don't think

it's a security issue again.

          You can have all the security. If you

keep the bad element outside of the club, you

know, if we attract the bad element and deny

them entry, that's the security part, then that

kind've presents a problem for the City of

Cambridge and things can escalate, as it

did.

CHAIR ANDREA JACKSON: So you can change

the promotion.

I guess I'm looking in terms of what is

it that you would do differential because if

you're retaining DJ Knife, deejay -- the other

two deejays that were mentioned, I mean, I just

sat here now and looked at their website, they're

doing their own marketing.

So you may try to market toward this

crowd, but you have no control, it appears,

though, over their marketing which is going this

way, and they're promoting, yes, come to Moska on

such and such a night.

How do you control that?

SAMUEL FIGARO: That's part of the

marketing.

We would not hire -- moving forward we're

not hiring deejays of that caliber.

We're moving towards a different genre of music. Maybe a little electric dance music, techno. That type of music that would bring a whole different crowd.

In order to do that, we'll use different deejays who have a lighter name as well as bringing a lighter crowd.

That will take time because right now we do have the hip-hop, so we still have the residual crowd still coming in.

Hopefully they will dwindle out and bring in a new crowd and fresh faces.

This is an excellent opportunity to start over again. He has an awesome, amazing establishment, which, you know, I think should only bring in a good crowd.

Moving forward we're promoting harder and better to a different audience.

POLICE COMMISSIONER ROBERT HAAS: So were

you there this last weekend?

        SAMUEL FIGARO: I was.

        POLICE COMMISSIONER ROBERT HAAS: Were

you observing or --

        SAME FIGARO: I was observing and I took

command the day after.

        That was part of our agreement.

        POLICE COMMISSIONER ROBERT HAAS: So what

was the tempo of the crowd that weekend?

        SAMUEL FIGARO: I don't understand.

        POLICE COMMISSIONER ROBERT HAAS: In

other words, from your observations, I mean,

you're talking about there's certain patrons

coming that will be disruptive.

        What were your observations that last

weekend in terms of the climate of the crowd, the

atmosphere of the crowd?

        You heard the testimony relative to what

we saw on May 2 and 3, and from that testimony,

is it different? The same?

        You talked about residual crowd still

coming. Is there a drawback to that venue? I'm

trying to gauge your perspective what you

observed last weekend.

        SAME FIGARO: I think what I observed is

it was a difficult crowd to control. And I

think there was very little that could have been

done.

        Some of the officers have said they

didn't seem to respect law enforcement, which was

a horrible situation.

        I think that the harder -- the heart of

it all is replacing that whole audience is my

observation.

        POLICE COMMISSIONER ROBERT HAAS: So what

is your plan -- I mean, they're placing a lot of

faith in you to change the security, or at least

the management of the establishment.

I'm trying to figure out what will you do

as an interim step before you get to a place

where you want to be because obviously there's a

transition period here.

So I want to know what your steps will be

for the next, I don't know, how many weekends,

going forward.

SAMUEL FIGARO: We placed ads for new

promotion teams.

I will screen them to make sure that

they're not promoting to the same audience.

We're doing a lot of research.

We're trying to get a broader market, or

a better market and we're putting our heads

together to move forward and away from the other

audience we had in the past.

POLICE COMMISSIONER ROBERT HAAS: What

are you anticipating in terms of your security

staff in coming on? We're coming on to another

weekend.

SAMUEL FIGARO: This coming weekend because we're being very strict with the dress code and trying to implement a new face to Naga. And a lot of people will be turned away in the hopes that we have a zero tolerance for the underdressed, the overprivileged or whatever it is that may be that we -- the unwanted crowd.

We're setting forth a -- we're setting forth the new standards.

So the capacity or crowd may dwindle down. I may have six to eight security staff.

POLICE COMMISSIONER ROBERT HAAS: What is the entertainment you're planning for this weekend?

SAMUEL FIGARO: I'm not sure what that would be. We have a soft opening for tonight which is top 40, and Saturday --

CHAIR ANDREA JACKSON: Excuse me. With

that being said, when I looked at the calendar,

DJ Knife is advertising he's at Moska and I have

the calendar right in front of me if you would

like to see it.

RENATO RODRIGUEZ: He has been cancelled.

CHAIR ANDREA JACKSON: When was he

cancelled?

RENATO RODRIGUEZ: I spoke to him

specifically and told him last week that we're

going to wait. He was cancelled last night,

yesterday evening. We won't be working with him

in the near future.

POLICE COMMISSIONER ROBERT HAAS: When

you say "a soft opening," what are you

planning?

RENATO RODRIGUEZ: We have a new night

starting Thursday nights.

Our Thursday nights we have been doing a

lot of private events with MIT, Harvard events,

and graduation parties. Moving into the

summertime, we'll have a regular Thursday night

that does top 40 music.

        POLICE COMMISSIONER ROBERT HAAS:

Fridays?

        RENATO RODRIGUEZ: Fridays, we're

reevaluating what we specifically want to do.

        Currently, as it stands, it's a top 40

night.

        We have told all of our promotional teams

to just stop promoting. Stop pushing it.

        Like Sam said, we're trying to keep the

numbers light coming into the building, just to

figure out, give us a little more time to figure

out what we want to do.

        We're trying to move into different

genres of music, using different types of

deejays.

        But, if I can, we've had -- specifically

this Friday night, we've hosted different deejays

every Friday, and I believe we provided a roster

of all the deejays we have used.

        ATTORNEY SEAN HOPE: That's not in the

letter.

        RENATO RODRIGUEZ: We can provide that.

        So it's a top 40 night. When we say "top

40 mainstream," we really play what the radio

stations are playing. And those -- if DJ Knife

is not playing on the radio stations, you know,

we do contract deejays from KISS 108 FM from 96.6

and JAMIN 94.5.

        And we're also reevaluating that. Maybe

getting radio deejays that are just announcing it

to the masses may not be the best strategy for us

from a marketing standpoint.

        CHAIR ANDREA JACKSON: So is it DJ Cast

(phonetic) who is supposed to be tonight or DJ

Knife?

RENATO RODRIGUEZ: We generally have

multiple deejays.

We have a deejay in the front room and DJ

Knife with friends, yeah, the pool of deejays

that we use. And they play in the front room in

Moska. It's lighter. More of a lounge

atmosphere.

The back space, Naga, is high energy and

where our larger capacity is on.

On most weekend nights, Thursday, Friday

and Saturday, we have two or three deejays.

Generally one in the front, one to two in

the front or one to two in the back space.

We try to move to a different type of

entertainment in the front and in the back, so

we're catering to the widest audience as we

can.

FIRE CHIEF GERALD REARDON: All set.

CHAIR ANDREA JACKSON: Commissioner?

POLICE COMMISSIONER ROBERT HAAS: All

set.

CHAIR ANDREA JACKSON: What is the

Board's pleasure?

POLICE COMMISSIONER ROBERT HAAS: I know

the Chief asked for additional documentation and

I think we need to see what your crowd control

documentation is leading up to this point in time

and going forward.

I mean, I'm not prepared to make this

just a simple warning.

This is serious enough that it merits

something more than just simply saying "Please

don't let this happen again."

What that is? I still need some time to

thing about. And I'm seriously concerned and I

would caution you and my recommendation to the

Chair would be to defer our decision, but

something can't happen between now and the

decision because then it's not just an isolated

decision any longer.

        And hopefully you can help with

respect to changing the climate within that

nightclub.

        CHAIR ANDREA JACKSON: I agree with you.

        And I know for me, I have looked at the

different options that are available, whether

it's suspending the license, putting part of it

in abeyance, modifying the hours, modifying the

capacity, modifying the entertainment piece of

the license, so I, too, would probably like a

little bit of time to think about it and because

you're requested some additional information, I

guess I can make a motion that we continue this

matter to our decision making hearing, which I

believe is May 29.

        EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

        CHAIR ANDREA JACKSON: At 10:00 a.m., If

that's acceptable, and if so, can I get a second

on the motion?

          FIRE CHIEF GERALD REARDON: A second.

          CHAIR ANDREA JACKSON: All in favor

signify by saying aye.

          POLICE COMMISSIONER ROBERT HAAS: Just

hold for a second, so I can check something.

          I'll be out of town all week.

          ATTORNEY SEAN HOPE: Is it possible to

have -- similar to what we created, a hearing

like this?

          CHAIR ANDREA JACKSON: We'll continue

this matter to a date to be determined by --

          EXECUTIVE DIRECTOR ELIZABETH LINT: Can

you pick one?

          CHAIR ANDREA JACKSON: Sure.

          ATTORNEY SEAN HOPE: If there's an

earlier date May 29 --

          POLICE COMMISSIONER ROBERT HAAS: You

want to try to do one the following week?

CHAIR ANDREA JACKSON: How soon can you

get the information that was requested?

RENATO RODRIGUEZ: Immediately.

CHAIR ANDREA JACKSON: I can do the

morning of the 20th.

FIRE CHIEF GERALD REARDON: 10:00.

POLICE COMMISSIONER ROBERT HAAS: I can't

be here before 10:00. I can't do anything before

10:00. At noon I have another meeting I have to

go to.

EXECUTIVE DIRECTOR ELIZABETH LINT:

10:30.

POLICE COMMISSIONER ROBERT HAAS: I can't

stay beyond 12:00.

CHAIR ANDREA JACKSON: That will work.

Let's tentatively hold the 20th at 10:00

a.m.

ATTORNEY SEAN HOPE: One question in

terms of the crowd control documentation, the

chief was asking for how far back?

FIRE CHIEF GERALD REARDON: Do 60 days.

From the date of the last incident to include the

last incident forward.

ATTORNEY SEAN HOPE: Okay.

CHAIR ANDREA JACKSON: Are we good? So a

motion has been made to continue the matter until

Tuesday, May 20 at 10:00 a.m. tentatively hoping

that our reporter can make it.

Is there a second?

FIRE CHIEF GERALD REARDON: Second.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All those in favor

signify by saying "aye."

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

CHAIR ANDREA JACKSON: We're all set. I

make a motion to adjourn.

POLICE COMMISSIONER ROBERT HAAS: Second.

CHAIR ANDREA JACKSON: All in favor

signify by saying aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

(The meeting adjourned at 6:00 p.m.)

CERTIFICATE

Commonwealth of Massachusetts
Norfolk, ss.

I, Jill Kourafas, Certified Shorthand
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